

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DUSTON MILLER,
 Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, et al.,
 Defendant(s).

Case No.: 2:17-cv-02021-RFB-NJK

ORDER

(Docket Nos. 107, 109)

Pending before the Court is Plaintiff's filing titled "judicial notice." Docket No. 107.¹ Based on the text of the document, the Court construes Plaintiff's filing as a motion for leave to file various discovery documents on the Docket. *See id.* at 1. The Court has considered Plaintiff's motion, Defendants' response, and Plaintiff's reply. Docket Nos. 107, 108, 113. The motion is properly resolved without a hearing. *See* Local Rule 78-1.

Plaintiff submits that, as of the date of his motion, he had no "access to the prison law library and a 3–6 week wait for written legal requests." Docket No. 107 at 1. For that reason, Plaintiff submits that he "has not been able to obtain copies of legal documents" and requests leave of the Court to file (1) his "responses to Defendants' second set of production of documents, interrogatories, and admissions;" (2) his "requests for admissions to Defendants;" and (3) his "written requests to [Defendants Las Vegas Metropolitan Police Department] pursuant [to] Rule 26 meet and confer." *Id.*

Defendants, in response, submit that the Court "should strike [Plaintiff's] 'Judicial Notice' as it is nothing more than discovery requests, responses, and correspondence." Docket No. 108 at

¹ Also pending before the Court is Plaintiff's motion for a copy of Docket No. 107. Docket No. 109. Plaintiff submits that, "due to COVID-19 there is zero access to the law library and [there is] a 3–6 week wait for legal requests, thus [he] could not obtain copies before the deadline." *Id.* at 1. Under LSR 1-6, "[t]he granting of an application to proceed in forma pauperis does not waive the applicant's responsibility to pay expenses of litigation which are not covered by 28 U.S.C. § 1915." Thus, Plaintiff does not have the right to obtain free copies of Docket No. 107. Plaintiff has not provided a copy of his inmate balance sheet to demonstrate that he cannot afford to pay for the copies. Accordingly, the Court will deny without prejudice Plaintiff's motion for a copy of Docket No. 107.

1 1. Defendants also submit that the Court “has already informed [Plaintiff] that unless the Court
2 orders otherwise, he must not file written discovery including discovery requests, discovery
3 responses, deposition notices, and deposition transcripts with the Court.” *Id.* (citing Docket No.
4 87 at 2).

5 Plaintiff, in reply, submits that he was “simply requesting to file discovery documents with
6 the Court to be sent to [] Defendants on grounds that due to the corona virus, the prison has been
7 on a continu[ous] lockdown with zero physical access to the law library[.] Thus Plaintiff was
8 unable to make photo copies.” Docket No. 113 at 1. Plaintiff also submits that, “[t]o be cautious
9 in light of a future Motion to Compel or [possibility] of discovery disputes[,] [he] need[s] a record
10 of the discovery documents to be sent to [] Defendants.” *Id.*

11 The Court has already warned Plaintiff not to file written discovery on the docket. Docket
12 No. 87. The Court is sympathetic to the challenges that Plaintiff might be facing in litigating this
13 case from prison during the pandemic; however, Plaintiff must comply with all Court orders and
14 Local Rules. If Plaintiff is unable to meet a deadline set by the Court because of circumstances
15 beyond his control or making, the proper request for relief is to seek an extension. Therefore, the
16 Court will deny Plaintiff’s request to file the discovery documents in Docket No. 107 on the docket
17 and send them to Defendants. Further, because the Court has already warned Plaintiff not to file
18 written discovery on the Docket, the Court will strike Docket No. 107.²

19 Accordingly, the Court **DENIES** Plaintiff’s motion and **STRIKES** his filing. Docket No.
20 107. Further, the Court **DENIES** without prejudice Plaintiff’s motion for a copy of Docket No.
21 107. Docket No. 109.

22 IT IS SO ORDERED.

23 Dated: June 17, 2020

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25 _____
Nancy J. Koppe
United States Magistrate Judge

26 _____
27 ² However, to be clear, the Court is not granting Defendants’ request to strike Docket No.
28 107. That request is improper. *See* Local Rule IC 2-2(b). Instead, the Court strikes Docket No.
107 under its inherent power to do so. *See Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402,
404 (9th Cir. 2010).